

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<b>IN RE:</b>	)	
	)	<b>Case No.: 23-30128</b>
	)	
<b>JAMES REUBEN BURTON, JR.</b>	)	<b>Chapter 13</b>
<b>SS #: XXX-XX- 7903</b>	)	
	)	
<b>SUSAN HUNT BURTON</b>	)	
<b>SS #: XXX-XX- 1811</b>	)	
	)	
<b>Debtor(s)</b>	)	

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**MOTION TO DISMISS**

The Office of the Bankruptcy Administrator for the Western District of North Carolina hereby moves the court for an order dismissing this proceeding and says:

1. This is a Chapter 13 proceeding in which the Debtors filed a *pro se* voluntary petition on February 22, 2023.
2. On March 07, 2023, the Debtors filed credit counseling certificates that show the Debtors completed the credit counseling course on February 24, 2023 [ECF Nos. 12 and 13].
3. The undersigned moves to dismiss this proceeding based on the Debtors' failure to comply with the provisions of 11 U.S.C. § 109(h) in that the Debtors have not provided evidence that, during the 180-day period preceding the date of filing of the petition, the Debtors obtained the necessary credit counseling. In re Baxter, 2006 Bankr. LEXIS 4541, \*7-8 (Bankr. W.D.N.C., May 17, 2006).

Wherefore, the undersigned moves the Court to dismiss this case and for such other and further relief as the Court deems just and proper.

Dated: March 10, 2023

s/Alexandria P. Kenny  
Alexandria P. Kenny  
Staff Attorney  
Office of Bankruptcy Administrator  
401 W. Trade Street, Suite 2400  
Charlotte, NC 28202-1669  
Telephone: (704)-350-7587 / Fax: (704)-350-7577  
Email : [alexandria\\_p\\_kenny@ncwba.uscourts.gov](mailto:alexandria_p_kenny@ncwba.uscourts.gov)  
N.C. Bar #24352

**CERTIFICATE OF SERVICE**

The undersigned certifies that the pleading(s) or paper(s) to which this Certificate is affixed was served upon the party(s) to this action listed below by depositing a copy of the same, enclosed in a first-class postpaid, properly addressed wrapper, in a Post Office or official depository under the exclusive care and custody of the United States Postal Service and/or by means of the Electronic Filing System of the Bankruptcy Court on March 10, 2023.

James Reuben Burton, Jr.  
Susan Hunt Burton  
105 Graham Hall Court  
Matthews, NC 28104

Jenny P. Holman  
Office of the Chapter 13 Trustee  
5970 Fairview Rd  
Suite 650  
Charlotte, NC 28210

s/Alexandria P. Kenny  
Alexandria P. Kenny  
Staff Attorney  
Office of Bankruptcy Administrator  
401 W. Trade Street, Suite 2400  
Charlotte, NC 28202-1669  
Telephone: (704)-350-7587 / Fax: (704)-350-7577  
Email : [alexandria\\_p\\_kenny@ncwba.uscourts.gov](mailto:alexandria_p_kenny@ncwba.uscourts.gov)  
N.C. Bar #24352